IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE V.ESWARAIAH**

**WRIT PETITION NO : 8445 of 2004**

Between:

Palaka Aditaya Sekhar, s/o Suryanarayana Garu, R/o 2-48-30, Shanthinagar,

Kakinada.

**... PETITIONER**

AND

1 The Deputy Superintendent of Police, Kakinada, East Godavari District Andhra Pradesh.
2 The Inspector of Police, Sarpavaram Police Station, Kakinada, East Godavari District, Hyderabad.

**...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, particularly writ of mandamus declaring the action of the 2nd respondent in not considering the complaint of petitioner's dt.18-4-2004, as illegal, without jurisdiction and void and consequently direct the 2nd respondent to consider the complaint of the petitioner dt.18-4-2004

**Counsel for the Petitioner: MR.SRINIVAS CHOWDARY**

**Counsel for the Respondents: GP FOR HOME**

**The Court made the following order:**

**ORDER:**

Complaint of the petitioner is that he filed a complaint before the Inspector of Police, Sarpavaram Police Station, Kakinada, stating that one Ramishetti Nookaraju agreed to sell the land in S.No.370 at Gudarigunta area, Kakinada and received a sum of Rs.10,000/- as advance amount and did not execute any document in his favour. On the said complaint the police have not taken any action. Therefore, petitioner seeks a direction to the respondents to consider his complaint and declare the action of the second respondent as illegal and arbitrary.

I am of the opinion that the said complaint is purely in the nature of a civil dispute and there is no criminal action that can be attributed against the said Ramishetti Nookaraju. Therefore, the police rightly chose not to take any action on the said complaint.

It is stated in the counter that petitioner filed O.S.No.182 of 1991 on the file of the 1st Additional Senior Civil Judge, Kakinada, which was dismissed against which he preferred an appeal in A.S.No.2579 of 2002, which is pending.

In view of the aforesaid facts and circumstances of the case, the petitioner is not entitled for any relief as to consider his complaint as it being purely a civil dispute.

Accordingly, the writ petition is dismissed. No costs.

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V. ESWARAIAH, J

April 5, 2005

Dsk

To

1 The Deputy Superintendent of Police, Kakinada, East Godavari District Andhra Pradesh.

2 The Inspector of Police, Sarpavaram Police Station, Kakinada, East Godavari

District, Hyderabad.

3. Two CCs to GP For Home, High Court Buildings, Hyderabad (OUT)

Two CD copies.